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CHARLES SUMNER

AND

THE TREATY OF WASHINGTON

BY

D. H. CHAMBERLAIN

A Review of parts of An Address
by Mr. Charles Francis Adams
before the New York
Historical Society
November 19
1901

Printed at the Riverside Press

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W. B. CLARKE COMPANY
PARK STREET CHURCH
BOSTON

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THE TREATY OF WASHINGTON

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DANIEL HENRY CHAMBERLAIN, LL. D.
Resident Member of the Massachusetts Historical Society, etc., etc., etc.

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by Mr. Charles Francis Adams
before the New York
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Sed veteris proverbii admonitu vivorum memini, nec tamen Epicuri licet oblivisci

CICERO, *de Finibus*, V. 1. 3

I cannot set my authority against their authority. But to exert reason is not to revolt against authority

BURKE, *Letter I., on a Regicide Peace*

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CHARLES SUMNER

AND THE

TREATY OF WASHINGTON

In November, 1901, Mr. Charles Francis Adams delivered in New York city, before the New York Historical Society, an address, since published by the Society, under the title, "Before and After the Treaty of Washington: The American Civil War and the War of the Transvaal." This address was a little later repeated in Boston in four lectures before the Lowell Institute.[1] The theme, in Mr. Adams's hands, is a broad one, as well as one of high interest and importance, which Mr. Adams does not overrate, and it need not be said that it was treated by him with great ability and graphic force. The address is filled with strong expressions of opinion and marked by the utmost freedom of comment on men and events brought under review. Naturally, almost unavoidably, among the topics discussed at length is that of the relations of Charles Sumner to the Treaty of Washington. Intimating that he is using, to some extent, "unpublished material, — material not found in news-

[1] Accurate and full reports of the lectures appeared in the Boston *Evening Transcript* of December 4, 7, 11, and 14, 1901.

papers, public archives, or memoirs which have already seen the light," [1] and styling the Treaty of Washington "a very memorable historical event," and President Grant, Secretary Fish, Senator Sumner, and Minister Motley "great historic figures," Mr. Adams deals at length with all the leading persons and topics covered by his theme. Nowhere else can now be found so full, vivid, and thorough treatment of this large and influential chapter of our history as Mr. Adams here gives.

The purpose of the present writer, however, is closely limited to an examination of Mr. Adams's views of Senator Sumner's relations to the Treaty of Washington, especially the matter of his removal from the chairmanship of the Senate Committee on Foreign Relations in March, 1871.

It would probably be safe to say that the public had, till Mr. Adams spoke, remained fully persuaded that the cause of Sumner's removal was his opposition, and what grew out of that opposition, to the San Domingo Treaty in 1870. This cause has, however, never looked well on the historical page, and the partisans and friends of Grant and Fish have not been willing to stand on it. The reason specially assigned, both in the senatorial caucus which decreed the removal and in the Senate where it was effected, was the personal relations of Sumner to Grant and Fish, which were then described as those of non-recognition and non-speaking in

[1] Adams, *Before and After*, etc., 1.

social or unofficial life. These relations, whatever of unpleasantness they involved, grew out of the disagreement between Grant and Fish on the one hand, and Sumner on the other, regarding a treaty for the annexation of San Domingo, negotiated by Grant by extraordinary methods and sent to the Senate in 1870. This treaty Sumner opposed, and it was defeated in the Senate, June 30, 1870. Motley, who was an old and special friend of Sumner, was the next day asked to resign his position as Minister to England, an act which has been almost universally regarded as a blow at Sumner, followed, as it was, by a despatch signed by Fish, which, in its style and in its references to Sumner, far overpassed the bounds of ordinary diplomatic propriety. Of the real motive of the removal of Motley, Mr. Adams thus speaks: —

"He (Grant) consequently regarded this action (opposition to the San Domingo Treaty) on the part of the Senator at the head of the Committee on Foreign Relations, as during the war he would have regarded the action of a department commander who refused to cooperate in the plan of general campaign laid down from headquarters and exerted himself to cause an operation to fail. Such a subordinate should be summarily relieved. He seems actually to have chafed under his inability to take this course with the chairman of a Senate Committee; and so he relieved his feelings at the expense of the friend of that chairman, the Minister to England, who was within his power. Him he incontinently dismissed." [1]

[1] Adams, *Before and After*, etc., 118.

This is a succinct as well as an accurate summary of the proceeding. It is not necessary in the present discussion to notice further the Motley affair.

Evidently ill at ease regarding the reason assigned at the time for Sumner's removal, Grant in 1877, six years after the removal and three years after Sumner's death, in two interviews, one in Scotland, and the other at Cairo; and Fish in the same year, in several newspaper letters and interviews, put forward, as the ground of the removal, dereliction of duty on Sumner's part in failing to report in due time several treaties sent to the Senate and there referred to Sumner's committee during the session following the removal of Motley. Into this phase of the controversy it is not necessary to go farther than to say that friends of Sumner procured the removal of secrecy from the Senate records covering the period named, the last year of Sumner's service as chairman, and the charge of neglect of duty as specified by Grant and Fish was shown to be wholly unfounded.

In January, 1878, J. C. Bancroft Davis, who had been one of Fish's assistant secretaries, appeared in an elaborate letter in the New York *Herald*,[1] in which, after again putting forward the disproved charge of neglect of duty on Sumner's part, he brought out, for the first time, so far as the present writer has discovered, a certain memorandum which he alleged was sent by Sumner to Fish, January 17, 1871, by which he claimed that

[1] New York *Herald*, Jan. 4, 1878.

Sumner put himself in entire opposition to any possible settlement of the pending controversy between England and the United States growing out of our Civil War. It does not appear that this memorandum, as exploited by Davis, was effective to change the general judgment upon the cause or merits of Sumner's removal, or indeed that it has ever hitherto attracted much attention in any quarter. Now, however, thirty years after the event, Mr. Adams takes up the theme, and while not asserting that the fact of this memorandum, or any other of the reasons given for Sumner's removal, was the real reason moving Grant and Fish and the Senators, does assert, in round terms, that this memorandum of January 17, 1871, made it justifiable, necessary, and right for the Administration, if it could do so, to secure the removal of Sumner from the head of the Senate Committee on Foreign Relations. Referring to Sumner's removal, Mr. Adams says : —

"Under these circumstances the course now pursued (the removal of Sumner) was more than justifiable. It was necessary as well as right." [1]

What the circumstances were will fully appear hereafter.

The present question is: Must we revise our opinion of Sumner so far as to think that the removal was just and warranted on the grounds on which Mr. Adams puts it?

[1] Adams, *Before and After*, etc., 128.

It should be said at once that Mr. Adams is not to be ranked with the enemies of Sumner. Neither in Sumner's lifetime nor since has Mr. Adams's attitude towards him been unfriendly or disparaging. If not a special admirer or eulogist, he has been and is now wholly unmoved by any feeling, as we may well believe, except that of historical justice and truth. Grant obviously became vindictively hostile to Sumner; and Fish, as the friend and subordinate of Grant, was actively and willingly hostile; but Mr. Adams comes forward as an impartial, cold student of history, and has no interest or prejudice adverse to Sumner. His judgment is therefore weighty, and must have consideration. It compels the reëxamination of a controversy which is at once complicated and painful, — painful in many aspects, — but one which touches the fame of a lofty name in our annals. Those, however, who would guard the memory of Sumner are not, on that account, to be rated as enemies of Grant or Fish. They wish only, it should be assumed, to see justice done to all, injustice to none.

Recalling, then, that in April, 1869, Grant was President, Fish, Secretary of State, Sumner, Chairman of the Senate Committee on Foreign Relations, and Motley, Minister to England, it should now be said that Sumner had held his post continuously since the reorganization of the Senate committees on the retirement of the Secession Senators in 1861, and, it is superfluous to add, was better qualified for the position than any other

Senator, if not any other man in the country. Motley was, of all Americans then living and available, generally regarded the fittest to represent his country at the English capital.

Another event must here be noted as part of the tangled web of circumstances which envelops the controversy now under examination. The treaty known as the Johnson-Clarendon Convention for the settlement of the *Alabama* claims against England had been signed in January, 1869, during the presidency of Andrew Johnson; but action on it by the Senate had been postponed until after the accession of Grant. While this treaty was under discussion in the Senate, Sumner, in April, 1869, opposed it in a speech in which he set forth at length the unfriendly course of England during our Civil War and the vast pecuniary injuries thereby done to our nation as well as to individuals. It must be said here, peremptorily and once for all, that this famous speech was not a demand for pecuniary reparation for national injuries, as has been so persistently represented, though not by Mr. Adams. It was a presentation or statement of injuries done; and it was a true presentation. It went in no respect beyond the positions previously taken by our government through Lincoln, Seward, and Minister Adams, during the war and at its close. The injuries done were simply put by this speech before the country, before England, and before the world, as the actual relations of the parties. They were presented not as assessable claims or demands, but as matters to

be known and considered as parts of the situation; parts of England's misconduct towards our country; parts of our grievance against England. And it should here be added that these considerations — considerations rather than claims — were afterwards perverted into pecuniary demands by Grant and Fish, and formulated as such by Fish and Davis, in an offensive manner, in what is known as our "Case" at the Geneva Arbitration, — a course of conduct for which J. C. Bancroft Davis is believed to be largely, if not mainly, responsible, nearly costing us the loss of the settlement made by the Treaty of Washington. It may be affirmed, too, that Sumner's speech, when made, was approved by the entire country, and by Grant and Fish. The evidence of Grant's and Fish's approval seems clear, but it cannot be given in detail here. Afterwards, Grant and Fish, together with Davis and other defenders of Grant and Fish, set up that this speech was unfortunate and embarrassing to the Administration, was made without consultation with Grant or Fish, and was highly disapproved by them at the time.

The San Domingo Treaty and the Johnson-Clarendon Convention being thus rejected, the results being the removal of Motley, the gross and carefully studied insult to Sumner by Fish in the despatch already referred to, and the keen personal hostility of Grant to Sumner; the matter of this discussion is now brought down to January, 1871, when negotiations were begun at Washington between

Fish and Sir John Rose, special confidential agent of the British government, for the settlement of the existing grievances and claims of the United States against Great Britain. These negotiations shortly resulted in a memorandum outlining a plan of settlement, submitted by Sir John Rose to Fish on January 11, 1871. At this stage Fish wished to consult Sumner, and finding upon inquiry that Sumner, in spite of his deeply felt personal grievance, was ready to confer with him on public business, he met Sumner at the latter's house, January 15, and after conference left with Sumner the memorandum of Sir John Rose for his further consideration. Two days later, on the 17th of January, 1871, Sumner gave to Fish in writing his views on the memorandum of Sir John Rose, now reported to have been, in form and terms, as follows : —

MEMORANDUM FOR MR. FISH, IN REPLY TO HIS INQUIRIES.

" *First.* — The idea of Sir John Rose is that all questions and causes of irritation between England and the United States should be removed absolutely and forever, that we may be at peace really, and good neighbors, and to this end all points of difference should be considered together. Nothing could be better than this initial idea. It should be the starting-point.

" *Second.* — The greatest trouble, if not peril, being a constant source of anxiety and disturbance, is from Fenianism, which is excited by the proximity of the British flag in Canada. Therefore, the withdrawal of

the British flag cannot be abandoned as a condition or preliminary of such a settlement as is now proposed. To make the settlement complete, the withdrawal should be from this hemisphere, including provinces and islands.

"*Third.* — No proposition for a joint commission can be accepted unless the terms of submission are such as to leave no reasonable doubt of a favorable result. There must not be another failure.

"*Fourth.* — A discrimination in favor of claims arising from the depredations of any particular ship will dishonor the claims arising from the depredations of other ships, which the American Government cannot afford to do; nor should the English Government expect it, if they would sincerely remove all occasions of difference.

"C. S."

"*January* 17, 1871."

Holding in mind the facts now presented, we can clearly perceive the situation of the parties with reference to the Treaty of Washington, and discuss their conduct. Mr. Adams finds in this memorandum of Sumner the ground on which he reaches the conclusion that Sumner's removal was not only warranted, but necessary and right; right — it is to be supposed he means — in all senses of the word.

Mr. Adams expresses great surprise that Mr. Pierce, in his "Life of Sumner," has not given the text of Sumner's memorandum of January 17, 1871. Dwelling at some length on the amplitude of Mr. Pierce's "Life of Sumner," he says: —

"The most remarkable and highly characteristic

memorandum just quoted is expressed in about 220 words; and yet for it Mr. Pierce found no space in his four massive volumes. He refers to it, indeed, showing that he was aware of its existence; but he does so briefly, and somewhat lightly; treating it as a matter of small moment, and no significance." [1]

Mr. Adams is less than accurate in saying that Mr. Pierce treats the memorandum briefly or lightly; for in his fourth volume, after noticing it at pp. 480, 481, he gives it full consideration at pp. 634–638. He does not give the text of the memorandum, for the reason, as it may easily be believed, that he had no copy of it. It was a confidential, informal, unofficial communication of Sumner to Fish, a mere memorandum signed only by the initials "C. S.," and it seems natural and altogether probable that Sumner kept no copy, and therefore that no copy came into the hands of Mr. Pierce as his authorized biographer. It is not incredible, too, that Mr. Pierce felt that the memorandum, as given out by Davis, lacked evidence of authenticity. At p. 637 Mr. Pierce says: "Mr. Davis assumes to give the terms of Mr. Sumner's memorandum of January 17, 1871. Taking it as given, etc." — language which suggests possible doubt in Mr. Pierce's mind of the genuineness or correctness of the memorandum as given by Davis.

Well might Mr. Pierce, well might any one now, pause long before such doubt; for the contents of

[1] Adams, *Before and After*, etc., 100, 101.

the memorandum are not half so "astounding," to use Mr. Adams's word, as are the time, manner, and purpose of its first production by Davis, — seven years after its date, four years after Sumner's death, and in a last attempt to shift the defence of Grant and Fish to more tenable ground. The quarrel or controversy of Grant and Fish with Sumner was determined and strenuous, especially in 1871, and during Sumner's lifetime. Why was not this memorandum disclosed then? Or, if there was delicacy or danger, as Davis hints, in making it known while negotiations were in progress, why at least was it not disclosed after the Treaty of Washington had been signed, ratified, and carried into final effect? Why especially, when in 1877, six years after its date and three years after Sumner's death, Fish was giving out self-exculpatory letters and interviews, and Grant in the same year was putting forward the new excuse of Sumner's neglect of duty, was no allusion made to this memorandum, or to any other action or position of Sumner which hindered or embarrassed, or threatened to hinder or embarrass, the negotiation of the Treaty of Washington? In all this anxious casting about for a better defence, why did not this memorandum then come to mind? Such questions called for answer; and being unanswered, they certainly warranted some degree of doubt of the authenticity of the memorandum, — at least until it appeared in a government publication in 1895,

from which it may be supposed that Mr. Adams took it.[1]

Davis, in his elaborate defence of Fish in the New York *Herald* letter, impliedly states that the contents of Sumner's memorandum were privately made known to Senators at the time of Sumner's removal; and he says that he had then no doubt, and has since had no reason to doubt, that "the substitution of Mr. Cameron for Mr. Sumner was the practical answer of the leading Republican members (Senators) to the manifesto of the 17th of January."[2] Here we have Davis claiming that the knowledge of this memorandum by Senators was the cause of Sumner's removal, though in the next sentence but one of his letter he confesses that the reason given for the removal — to whom given he does not say — was that "Mr. Sumner was not on speaking terms with the President and with Mr. Fish." Does any sane man believe that if such a reason as Sumner's memorandum, interpreted as Davis then, and Mr. Adams now, interprets it, was in the minds of Senators when the removal took place, it would never have been hinted at by any one in the extreme stress of the debates of Senators in caucus, and in the Senate? Or can any one conceive it possible that if such a reason was known and controlling, and if all allusion to it had been for any reason suppressed at that time, it would never have come

[1] *House Misc. Docs.*, 1893–94, xxxix. 525; *Internat. Arbit.* (Moore).

[2] Davis, *Mr. Fish and the Ala. Claims*, 139.

to the public knowledge after all occasion for concealment was past, after the treaty was made and executed, and until long after Sumner's death? In the Senate, April 28, 1874, more than two years after the treaty had been carried into effect, three years after Sumner's removal, and more than a month after his death, discussion regarding the removal again broke out, but though the leading supporters of the removal struggled hard to put the best possible face on it, no remotest reference was made to Sumner's memorandum of January 17, 1871, nor to any other act of hindrance or opposition on his part to the negotiations for the Treaty of Washington. The conclusion must be that Sumner's memorandum, whatever else it did, did not play any part in the minds of Senators in securing Sumner's removal; and that grave doubt of its genuineness might reasonably have been felt when it was put out by Davis, for the first time, in 1878. Mr. Adams does not seem to give any heed to this memorandum as influencing Senators. As to the removal of Sumner he says: —

"The step taken (the removal of Sumner) was one almost without precedent, and there is every reason to conclude that it had been decided upon in the private councils of the White House quite irrespective of the fate of any possible treaty which might result from the negotiations then in progress." [1]

Such must be the conclusion of any impartial

[1] Adams, *Before and After*, etc., 127.

mind upon consideration of what has now been stated.

But the more serious question, the real question, remains: Was the memorandum of January 17, 1871, of itself a good cause for the removal, on the demand of the President? The Senate, according to Mr. Adams, merely registered the decree of the White House; the removal had really no reference to any treaty; General Grant was merely "now handling a campaign," and — this is Mr. Adams's language — "so far as the Chairman of the Senate Committee on Foreign Relations was concerned, the man of Donelson, of Vicksburg, and of Appomattox now had his eye coldly fixed on him," and "with his opponent and objective clear to him, he shaped his plan of operations accordingly."[1]

The sole point in Sumner's memorandum which needs now to be considered, because it is the sole point discussed by Mr. Adams, is its second paragraph, in these words: —

"*Second.* — The greatest trouble, if not peril, being a constant source of anxiety and disturbance, is from Fenianism, which is excited by the proximity of the British flag in Canada. Therefore, the withdrawal of the British flag cannot be abandoned as a condition or preliminary of such a settlement as is now proposed. To make the settlement complete, the withdrawal should be from this hemisphere, including provinces and islands."

[1] Adams, *Before and After*, etc., 124, 126.

It is well here to observe how wide asunder Davis and Mr. Adams are in their views of the first effect of the memorandum upon Fish and Grant. Davis says: "I well remember Mr. Fish's astonishment when he received it. At first he almost thought any attempt at negotiations would prove futile." [1] But Mr. Adams says, after a careful review of the situation as it then was: —

"When received it (Sumner's memorandum) could have occasioned Mr. Fish no special wonder; except, perhaps, in its wide inclusiveness, it suggested nothing new, nothing altogether beyond the pale of reasonable expectation, much less of discussion. It brought no novel consideration into debate." [2]

Nothing in Mr. Adams's address is more interesting, or illuminating, or important, than his examination of this point. As results, he shows that Sumner had long regarded the not remote withdrawal of England from this continent and hemisphere "as the logical development of the Monroe Doctrine." Mr. Adams further shows that from 1840 to 1870 and later, Great Britain herself looked upon her colonies as a burden, a source of weakness and not a source of strength. He further shows that Fish had repeatedly, before 1871 and as late as September, 1870, sounded and pressed Sir Edward Thornton, the British Minister at Washington, on the subject of the cession of Canada, "the American claims on Great Britain being too large

[1] Davis, *Mr. Fish and the Ala. Claims*, 137.
[2] Adams, *Before and After*, etc., 101, 102.

to admit of money settlement;" and that Sir Edward Thornton had replied that "England had no wish to keep Canada, but could not part with it without the consent of the population." Again Mr. Adams represents Sir Edward Thornton as saying to Fish in terms, in reference to the cession of Canada: "It is impossible for Great Britain to inaugurate a separation. They are willing, and even anxious, to have one;" and Thornton proceeds to give the reasons. Mr. Adams also shows that "not only at this time (1869) but long after, was a comprehensive settlement on this basis (the cession of Canada) urged on the British government" by our government; and that "both the President and Secretary of State were thus of one mind with Mr. Sumner." Mr. Adams goes on to adduce proofs of the willingness of Great Britain to consider the cession of Canada in the settlement of our claims and grievances, and of Grant's lively eagerness to negotiate on that basis. In connection with this he states the very remarkable fact that Grant, late in 1869, "expressed his unwillingness to adjust the claims (against Great Britain); he wished them kept open until Great Britain was ready to give up Canada." Mr. Adams further says that the English Mission, after Motley's removal, was offered to O. P. Morton, who entertained the offer; that Grant then proposed that "the new Minister should attempt a negotiation based on the following concessions by Great Britain: (1) The payment of actual losses incurred through the de-

predations of British Confederate commerce-destroyers; (2) a satisfactory revision of the principles of international law as between the two nations; and (3) the submission to the voters of the Dominion of the question of independence," — independence meaning of course, in Grant's mind, annexation.[1]

This part of Mr. Adams's address is a revelation which deserves the attention of all who love to consider great questions of state.

In view of these feelings both on the part of Great Britain and of Grant, Mr. Adams declares:

"Sumner certainly had grounds for assuming that a not unwilling hemispheric flag-withdrawal by Great Britain was more than probable in the early future." [2]

He says further: —

"Up to this point (1870) the Chairman of the Senate Committee on Foreign Relations, the President, the Secretary of State, and the members of the Cabinet generally had gone on in happy concurrence. They had the same end in view. . . . Thus far . . . the two questions of a settlement of claims and Canadian independence (that is, independence from England, to be followed by annexation to the United States) had been kept closely associated." [3]

Now came a change; but, Mr. Adams says, "The change was gradual; for," he adds, "Mr. Sumner's policy had a strong hold on the minds of

[1] Adams, *Before and After*, etc., 103–113.
[2] *Ibid.* 110. [3] *Ibid.* 111.

both President and Secretary." [1] Suddenly, however, Grant and Fish at last — but not earlier than December, 1870 — determined to drop the policy of "a comprehensive settlement" on the basis of the transfer of Canada, and to negotiate for the immediate money settlement of the *Alabama* claims; and thereupon, in a few days, Sir John Rose appeared in Washington, and another basis of settlement was formulated, which was submitted, as has been seen, by Fish to Sumner for his opinion, and drew from him the memorandum of January 17, 1871. Contrast all this with Davis's account of the shock of surprise felt by Fish at sight of Sumner's memorandum! If Mr. Adams is correctly informed, it was Sumner who might well have felt such a shock when he first learned on January 15, 1871, of the abandonment by Grant and Fish of their common policy up to this time. If Mr. Adams is well advised, Sumner, Grant, and Fish had held common views as to Canada up to, or nearly to, the interview between Fish and Sumner on January 15, 1871. What passed at that interview we are not told, but two things are perfectly clear; *first*, that, upon Mr. Adams's showing, Sumner in the memorandum of January 17, 1871, was merely standing on the same ground on which he, with Grant and Fish, had heretofore stood; and, *second*, that Sumner at the time he drew his memorandum had no reason to believe that his position would be offensive to Great Britain, or a

[1] Adams, *Before and After*, etc., 111.

fatal hindrance to negotiations. Nothing can be more important in considering the merits of Sumner's memorandum than these two things. Sumner was not only adhering to views long held by him in common with Grant and Fish, — views familiar to the British government in preceding official communications between Fish and Sir Edward Thornton, — but he was again urging and formulating a policy which he had reason to hope would yet be accepted by Great Britain, and which he had hitherto known was approved by Grant and Fish. Mr. Adams again expressly says: —

"In his (Sumner's) memorandum, therefore, he demanded nothing new; he merely, stating the case in its widest form, insisted upon adherence to a familiar policy long before formulated." [1]

It is worth noticing, too, that in an interview between Fish and Sir Edward Thornton in March, 1870, Fish pressed upon the British Minister the identical considerations stated in the second paragraph of Sumner's memorandum. Mr. Adams says: —

"The Secretary (Fish) again urged on the Minister (Thornton) that the American provinces were to Great Britain a menace of danger, and that a cause of irritation, and of possible complication, would, especially in those times of Fenianism, be removed should they be made independent." [2]

It is not to be denied that Sumner wanted

[1] Adams, *Before and After*, etc., 114. [2] *Ibid.* 110.

Canada. On many occasions he had expressed the wish and hope, — but never except by peaceful methods, by the cheerful acquiescence of England and Canada. He had repelled all other methods. "Territory," with his characteristic and habitual regard for the rights of all men, he had exclaimed at Worcester in September, 1869, in discussing the union of Canada with our country, — "territory may be conveyed, but not a people." The man, whoever he may be, who can think or claim that Charles Sumner had any other thought in his mind, under any circumstances, regarding Canada, than that of fair, honorable, peaceful, willing union through the free consent of England and Canada, may assure himself that he does not yet know him. Of all our statesmen, living or dead, Sumner was the most scrupulous, the least ruthless. He had great views and aspirations for his country; but his spirit was never aggressive or wanton. Mr. Adams well says: "Charles Sumner did not belong to the Bismarckian school of statesmanship."

Considering the situation, as now presented, when Sumner framed his memorandum, the questions arise, What did its second paragraph signify, or what may it be certainly affirmed was Sumner's aim in submitting the memorandum to Fish, and how ought it to have been received and estimated by Grant and Fish? It should be carefully kept in mind at all times that the memorandum of January 17, 1871, was an informal, unofficial, and confidential communication made to Fish; and it cannot

be imagined that Sumner for a moment contemplated as possible the use subsequently made of it, as we shall see, by Fish. Was there at that time the least ground for believing or fearing that Sumner meant by this memorandum to set himself implacably and finally in the way of all negotiations except upon the initial condition of a cession of Canada? Plainly not. From anything yet disclosed, Sumner neither saw nor had reason to believe, when he wrote his memorandum, that there was a necessity for abandoning the effort to secure by peaceful negotiation the cession of Canada and the withdrawal of Great Britain from this continent. He saw, as we may safely suppose, by his interview with Fish on January 15, as well as by the memorandum submitted to him by Fish on that occasion, outlining the basis of settlement as then tentatively arranged between Fish and Sir John Rose, that the Administration, for some reason, doubtless unknown to him, had suddenly and completely reversed itself upon the general policy of the settlement with England which he had hitherto held in common with Grant and Fish. Further than this, it is not made probable that he had the means of penetrating the designs or reasons of the Administration. As soon, therefore, as he carefully considered the memorandum of settlement submitted to him by Fish, he found no reason for retiring from the position theretofore held by him as well as by the Administration. It did not then appear, if Mr. Adams's information is correct, that

Great Britain would regard the settlement, which included the cession of Canada, as impossible. It may, indeed, be said that it does not now appear that if the Administration had patiently put by the negotiations and waited, biding its time, that result might not have been reached. As to this, Mr. Adams himself finally says: —

"In the hands and under the direction of Mr. Sumner, the method he proposed to pursue to the end he had in mind might have proved both effective and, in the close, beneficent." [1]

The situation at this moment was a peculiarly favorable one for such a policy. It was the government of Great Britain, not the government of the United States, — let it not be forgotten, — that was now anxious for a settlement. The British government had repeatedly approached our government for terms of settlement. It was the British government that had now volunteered to send its accomplished special agent, Sir John Rose, to Washington to seek means of adjustment. Mr. Adams tells us why England was so anxious to settle. European complications and perils of the gravest kind were then staring her in the face.

Doubtless Sumner saw in all this not only no reason for abating terms of settlement, but a most hopeful opportunity for diplomatic insistence on the terms already known to England, pressed by the Administration, and discussed, but not repelled, by

[1] Adams, *Before and After*, etc., 140.

her Minister at Washington. It would, therefore, be first necessary to show that there was danger in further insistence, and that Sumner knew, or ought to have known, of such danger before he can be charged with deliberately and obstinately taking up an impracticable, or unwise, or dangerous position. From anything shown by Mr. Adams, no such charge will lie against Sumner on account of this memorandum. On the contrary, Mr. Adams specially states the fact that Grant, as early as March, 1870, "*had cautioned Fish against communicating to Mr. Sumner any confidential or important information received at the State Department.*" [1]

Another ground for relieving Sumner from suspicion of an obstinate purpose to hinder any and all settlement is that the second paragraph of his memorandum cannot reasonably be construed as Sumner's ultimatum, his irreducible minimum. Negotiations had but just been begun. The British special agent had been in Washington but six days. The memorandum of Sir John Rose which lay before him was the first approach to a new basis of settlement. Was it for Sumner, still holding in good faith his long cherished policy of coupling our grievances with the cession of Canada, — a policy heretofore acted on by the Administration, and specially dear to Grant, but now suddenly abandoned by the Administration, — was it for him, without an instant's demur or further effort, to fol-

[1] Adams, *Before and After*, etc., 111.

low the retreating Administration? He might well have felt — he probably did feel — that England's anxiety to settle was his own country's golden opportunity, not to extort unrighteous terms, but terms honorable and advantageous, the most honorable and advantageous possible, to his own country, and not offensive or oppressive to England. If Sumner reasoned thus, he reasoned well; he reasoned patriotically; and with this in mind, his memorandum becomes only an effort, timely and wise, to secure the most adequate possible redress for his country's wrongs. So construed and regarded, his memorandum of January 17, 1871, was not impracticable, nor obstructive.

And how did Grant, according to Mr. Adams, regard Sumner's memorandum? Merely as a strategic advantage gained over Sumner, whereby to punish him for his audacity in opposing Grant's San Domingo enterprise. It would seem from Mr. Adams that this was all Grant thought of; and it also seems certain that with his "quick eye," as Mr. Adams remarks, "for a strategic situation," Grant felt exultation, rather than dismay — as Davis pictures Fish as feeling — at sight of Sumner's memorandum. Mr. Adams says: —

"When Secretary Fish, with Sumner's memorandum in his hand, went to Grant for instructions, the President's views as to the independence and annexation of Canada at once underwent a change. As he welcomed an issue with his much-disliked antagonist on which he

felt assured of victory, hemispheric flag-withdrawals ceased to interest him ; " [1]

— which plainly means that, in Grant's view, Sumner had merely blundered, giving him a weapon which he could readily use to worst one whom he had come greatly to dislike. That Grant thought Sumner's memorandum intrinsically wrong or unwise does not appear. Nowhere, it may be affirmed, does it appear, from Mr. Adams or elsewhere, that the memorandum of January 17, 1871, was really anything more than a politic, reasonable, diplomatic insistence, at the stage of the negotiations then reached and under the then existing circumstances, on a policy maturely adopted and long pursued both by Sumner and by the Administration. Still less does it appear that Grant and Fish, in fact, did look upon the memorandum, or would have had reason for looking upon it, as unexpected, or obstructive, or embarrassing. If the conditions set forth in the second paragraph of the memorandum should prove dangerous or obstructive, it might be at once modified or withdrawn ; and who can reasonably say that Sumner would not have readily withdrawn his insistence or opposition whenever the point of danger had been reached ?

So far, then, as Grant and Fish are concerned, up to this point it comes to just this, — that Grant saw in Sumner's memorandum nothing but a strategic advantage which he could use to " get

[1] Adams, *Before and After*, etc., 119.

even" with Sumner; and Fish saw in it nothing new, nothing novel or unfamiliar, nothing unreasonable, — nothing, in fact, but a reaffirmation of an old and well-understood policy of the Administration.

There is a phase of this topic, presented by Mr. Adams, which is undoubtedly new to the public, and not a little startling in its character, — the use made of Sumner's memorandum of January 17, 1871, by Fish. Davis had told the public that it was used to secure Sumner's removal in the Senate, being privately made known to Senators, — a statement which — besides involving, if true, obliquity of a rank type from the sense of justice and fair play, in making a private communication intended to injure Sumner and giving him no chance to reply or explain — seems, as we have seen, to lack proof or probability; but Mr. Adams now informs us that Fish handed the memorandum on January 24, 1871, to Sir John Rose. After the latter had read it, Fish proceeded to inform him that "after full consideration, the government had determined to enter on the proposed negotiation;" that is, the negotiation outlined or formulated in the memorandum submitted to Sumner by Fish, January 15, 1871, and to which Sumner's memorandum of January 17, 1871, was a reply. "Should Great Britain decide," added Fish to Sir John Rose, "to send out envoys to treat on the basis agreed upon, the Administration would spare no effort to secure" — Mr. Adams here quotes — "a favorable result,

even if it involved a conflict with the Chairman of the Committee on Foreign Relations in the Senate." [1] Having received this assurance, Sir John Rose in the next week — such was the intense anxiety of his government to get a settlement — was able to obtain a notification to our government that the English government would send a special mission to Washington with full powers. Matters now moved rapidly, and on February 27, 1871, seven weeks only after the arrival of Sir John Rose in Washington, the Joint High Commission for the negotiation of a treaty met in Washington, and on the following May 8th the Treaty of Washington was signed.

The point is now reached where comes the stress of Mr. Adams's defence of the removal of Sumner. Stated as briefly as possible, his position is, that Fish did right to acquaint Sir John Rose and the British government with Sumner's memorandum, in order to advise that government of the possible danger of a failure of the negotiations through Sumner's opposition; and the British government having decided to take the chances, upon the promise of our Administration to "spare no effort" to overcome opposition on Sumner's part, that the President was warranted, indeed bound, to secure the removal of Sumner, if possible; and that not to have done so "would," in Mr. Adams's words, "have distinctly savored of bad faith" towards the British government. Mr. Adams then takes the positions: —

[1] Adams, *Before and After*, etc., 124.

(1) that "in the conduct of the foreign policy of the country, the Chairman of the Senate Committee on Foreign Relations was and is of necessity a part of the Administration;" [1]

(2) that while "the Executive cannot directly interfere in the organization of the legislative body, it has a perfect right to demand of its friends and supporters in the legislative bodies that those having charge through committees of the business of those bodies shall be in virtual harmony with the Administration." [2]

His conclusion from these premises is that Grant was justifiable and within his right as President in influencing and procuring the removal of Sumner.

Here it may be noticed again that Mr. Adams makes quick work of the pretexts and excuses of Davis and of others for the removal both of Motley and of Sumner. He shortly sets down the removal of the former as due to Grant's wrath at Sumner; and the removal of the latter, as we have already seen, as due to a determination reached by Grant "quite irrespective of the fate of any possible treaty." He now, however, justifies the removal which he has already said was decided upon for reasons "quite irrespective of the fate of any possible treaty," on the grounds just above stated, (1) that it was due to the British government, which had received the promise of the overthrow of Sumner's opposition, if possible, and (2) that the President had the right to induce or require the Senate to organize its Committee on Foreign Relations in

[1] Adams, *Before and After*, etc., 127. [2] *Ibid.* 116.

harmony with the Administration. If a slight shade of inconsistency is here discernible on Mr. Adams's part, in first ascribing Sumner's removal to Grant's determination "irrespective of the fate of any possible treaty," and then justifying it as due to his promise to the British government, the explanation must be sought from Mr. Adams, not from the present writer.

Into the question of the right, propriety, or decency of Fish's conduct, in exhibiting Sumner's memorandum to Sir John Rose, and through him to the British government and its High Commissioners, without Sumner's consent or knowledge, it is not proposed here to enter. If looked at as a matter between man and man in ordinary life, it would undoubtedly call for nothing but censure, if not execration. Whether in the present case the judgment should be different, it is not essential to discuss here; but as a companion piece, it is perhaps permissible to refer to Mr. Adams's narration of another incident connected with Sumner's removal which, it is believed, has not hitherto been known to many. He relates that, as one device for getting rid of both Sumner and Motley at a stroke, B. F. Butler and Simon Cameron proposed to Fish to appoint Sumner to succeed Motley. Mr. Adams says: —

"This suggestion also was discussed at a Cabinet meeting, and the President expressed a willingness to make the nomination on condition that Sumner would resign from the Senate; *but he also intimated a grim*

determination to remove him from his new office as soon as he had been confirmed in it." [1]

Upon this incident Mr. Adams withholds comment.

The inquiry then is, finally, whether Grant's promise, the promise of the Administration, to "spare no effort" to overcome Sumner's possible opposition, affords a justification of Sumner's removal? First of all, it is to be observed that in point of fact Sumner made no opposition at any time after January 17, 1871, to the negotiation of the Treaty of Washington, or to its ratification by the Senate, none whatever. On the contrary, he was in constant, cordial, and helpful relations with the High Commissioners of both nations, in the progress of their conferences and sittings ending in the treaty; and in the Senate he made the principal speech in support of the treaty, though his removal had been effected two months previously; and he voted for its ratification, offering several amendments, though not pressing them.[2]

Into the judgment to be passed upon Sumner's removal must, therefore, enter the consideration that he was in fact removed before he had made any opposition, or given hint of opposition, beyond the memorandum of January 17, 1871; and that he did in fact, at every subsequent stage, forward, to the extent of his ability, the negotiation

[1] The italics here are the present writer's. Adams, *Before and After*, etc., 95.

[2] Pierce, *Memoir and Letters of Sumner*, iv. 488–491.

and the ratification of the treaty. What ground, it is imperative now to ask, connected with the memorandum of January 17, 1871, can be found for the justification of Sumner's removal? Recall the situation. For a long time prior to January 15, 1871, Sumner and the Administration represented by Grant and Fish had held to the policy of "a comprehensive settlement of our whole grievance" with England by a voluntary, peaceful cession of Canada, a policy actually and repeatedly discussed by Fish and Thornton, and one specially satisfactory and attractive to Grant. Mr. Adams makes all this very clear. Suddenly this policy is dropped, and Fish presents Sumner with a wholly new programme, of which Sumner could have had no previous knowledge. Sumner, after deliberation, reiterates the former policy, but without any intimation of a purpose to push it obstinately or to the point of danger. Thereafter Sumner, probably perceiving that the abandonment of its policy by the Administration had made further insistence unwise or impracticable, makes no opposition of any kind to the carrying out of the new policy of the Administration. What cause or warrant now remained for interference with Sumner in his chairmanship? The President's promise to "spare no effort" to overcome his opposition? But he had made, was making, or hinting at making, no opposition. He might yet do so? But would it not be soon enough to attack him when he gave sign of opposition or obstruction? On March 10, 1871,

when Sumner was removed by the Senate, he had given no sign of obstructing, or wishing to obstruct, the progress of negotiations for a treaty *which were then under full headway.* Did Grant's promise to "spare no effort" to overcome Sumner's opposition require him, under these circumstances, to anticipate opposition from Sumner, and proceed at once to procure his removal? No one can pretend this.

But another question. Suppose Sumner should oppose the treaty; was it necessary to remove him from his chairmanship in order to overcome his opposition? Could he not be quietly outvoted at every point when the treaty came before the Senate? His removal was, as Mr. Adams is well within the truth in saying, "almost without precedent." It was at best and admittedly an extreme measure. Its accomplishment was a difficult task even for "the man of Donelson, of Vicksburg, and of Appomattox," with all his then overshadowing prestige. On test votes in the caucus, the opponents of Sumner had the slight majorities of only five and two, the normal Republican majority then in the Senate being nearly fifty. Is it not impossible to say, in view of this record, that it was necessary to remove Sumner, even if he had continued the most strenuous opposition to the treaty? His opposition could have been overcome in a far easier and not less effective way.

Mr. Adams urges that Sumner could, as Chairman of the Senate Committee on Foreign Rela-

tions, have defeated the ratification of the treaty. He says: —

"That Mr. Sumner, had he, on consideration, concluded that it was his duty to oppose the confirmation of the treaty, could, placed as he now was (*i. e.*, removed as chairman), have secured its rejection is not probable. As Chairman of the Committee on Foreign Relations, it would almost unquestionably have been in his power so to do; not directly, perhaps, but through the adoption of plausible amendments." [1]

This is certainly an opinion for which reasons not given by Mr. Adams are needed. "Plausible amendments?" Could plausible amendments, or amendments of any sort, escape the notice of other Senators, or be passed over their opposition? Would Grant and Fish have slept while Sumner in the Senate undid all their work by plausible amendments? This suggestion of Mr. Adams scarcely calls for notice.

The present paper cannot well be closed without some reference to Mr. Adams's positions; (1) that "the Chairman of the Senate Committee on Foreign Relations was and is of necessity a part of the Administration;" and (2) that the Executive Department has "a perfect right to demand of its friends and supporters" in the Senate that the Committee on Foreign Relations "shall be in virtual harmony with the Administration." These are surely grave propositions. They deserve notice.

[1] Adams, *Before and After*, etc., 131.

The Constitution of the United States provides that the President shall have power, by and with the advice and consent of the Senate, by a two-thirds vote, to make treaties. This provision must have suggested, it is assumed, Mr. Adams's positions.

Merely remarking here, in passing, that the more correct statement of Mr. Adams's idea would seem to be, that the Senate itself, the whole Senate, each and every Senator, — not alone the Chairman of the Committee on Foreign Relations, — is a part of the Administration; it is now to be said that the constitutional provision in question, as the contemporaneous history shows and as all authorities hold, was put in its present form as a distinct check upon the power of the President. It was intended to place the separate and independent power to approve or reject treaties in the hands of another depositary than the President. The Senate's power over treaties, when negotiated and sent to the Senate, is as substantive and independent as that of the President in negotiating them. To say, then, that the Senate is a part of the treaty-making power under our government is to speak accurately; but on what theory or ground can the Chairman of the Senate Committee on Foreign Relations be said to be, in any sense, a "part of the Administration?" The Administration is the President and his official advisers or assistants, the Cabinet officers. Or, in its broadest scope, the Administration is only the executive department

of the government. The Chairman of the Senate Committee on Foreign Relations is not a Cabinet officer, is not appointed by the President, does not hold at the pleasure of the President, is not answerable or amenable in any particular to the President; nor is he, nor is the Senate, nor any part or member of the Senate, a part of the executive department of the government. How, then, can the Chairman of the Senate Committee on Foreign Relations be, in any sense, a "part of the Administration"? The Senate, as a legislative body, is part of the legislative department of our government, but as such, it is strictly coördinate with, not a part of, any other department of the government. To make it, or the Chairman of its Committee on Foreign Relations, a part of the Administration in any sense, is to make it or the Chairman of its Committee on Foreign Relations subordinate to, and not coördinate with, another department of the government, — an untenable and inadmissible proposition on its face. Coördination is one thing; subordination is another thing. Coördination, or even coöperation, between two departments of the government, is admissible, is provided for, and constantly takes place, as in the case now under consideration, of treaty-making; but subordination, subjection, control over, one department or any part of one department by another department, or by an officer of another department, is opposed to any correct conception of the frame of our government. All this is plain to a demonstration.

Not only is this true as to the frame of our government, the intention of its framers, and the uniform working and interpretation of our Constitution, but it is plainly the dictate or demand of reason and the public safety. It is the undoubted, solemn duty of the Senate and of all its individual members — no duty is more binding — to preserve and exercise at all times a free, independent, unconstrained judgment on all questions requiring the judgment or action of the Senate. Neither the Senate as one body nor any subdivision of that body, nor any individual member of that body, owes the least duty of obedience or subordination to the President or to the Administration. No greater indignity to a Senator in his official character can be imagined than to seek to lower him to the position of one subject to the behest of a President or an Administration, or to regard him as holding his position in the Senate, or exercising any senatorial function, to any extent, at the pleasure or will of the President or the Administration. If nothing else is clear or certain in this discussion, it is clear and certain that no Senator can be, in any possible sense or relation, "a part of the Administration."

Equally clear is it, for like reasons, that the President has no right or business to interfere in the Senate by way of urgency, pressure, or influence, or in any manner which affects, or is calculated to affect, the perfect freedom of action of the Senate, or of a Senator, in any matter committed

by law to the action and judgment of the Senate. Such interference rises high above the degree of an impropriety, and becomes a wrong, a true outrage upon the official and personal rights, privileges, and dignity of the Senate and of all its members. Such must be the verdict upon any conduct of Grant or Fish, or of any one directed or inspired by them who sought the removal of Sumner by any pressure or influence or insistence which interfered with, or which was designed or suited to interfere with, the perfectly free judgment and action of any Senator or of the Senate, or with the perfectly independent organization of the Senate and of its committees for the transaction of its business.

One of the least valid, therefore, of the defences yet made of Sumner's removal under the circumstances of its occurrence in 1871, is the claim of Mr. Adams that the Chairman of the Senate Committee on Foreign Relations "was and is a part of the Administration," and as such that it was the right of the President to require Sumner's removal, and the duty of the Senate to make it.

It seems only necessary, in concluding, to say that after thorough reëxamination and full consideration of all the available sources of information and of all previous discussions, including especially the present address of Mr. Adams, the conclusion is clear, — that the cause of Sumner's removal was precisely and only what Carl Schurz and Henry

Wilson at the time declared it to be. Said Mr. Schurz: "The San Domingo scheme was at the bottom of the whole difficulty;" and he pronounced the absence of personal relations between Grant and Fish and Sumner "a flimsy pretext!" Said Henry Wilson: —

"Sir, the truth is, and everybody knows it, and it is useless for the Senator from Wisconsin, or any other Senator, to deny it, that this proposition to remove my colleague grows out of the San Domingo question. If there had never been an effort to annex San Domingo, we should have had no attempt to change the chairmanship of the Committee on Foreign Relations, or to remove members from that committee. . . . The people of the country, say what you may about it, will come to the conclusion that at the bottom of it all lies this San Domingo annexation question."[1]

And the final conclusion is, that no cause has yet been shown which does not leave the removal of Sumner where the public has hitherto placed it, — among the most unwarrantable, grossly unjust, and inexcusable acts ever committed in our political history.

Charles Sumner, throughout a long career, ever "clear in his great office," served Massachusetts and the nation, his generation and his age, with unsurpassed fidelity. Not without some conceded limitations and foibles, it may yet be affirmed that

[1] Pierce, *Memoir and Letters of Sumner*, iv. 473.

the roll of American statesmen bears the name of no one who, on the whole, worked for the welfare of the whole country and of all races of men more constantly, more faithfully, or more successfully. It was his lot, late in life, to feel "the slings and arrows of outrageous fortune." He never quailed or faltered in the hard way which he was called to follow. Sitting now in the peace and quiet of later days, the present writer will perhaps be pardoned if he confesses that he has felt the force of the closing words of Carlyle's "Life of John Sterling." Why defend Charles Sumner? "I imagine I had a higher commission than the world's, the dictate of Nature herself, to do what is now done."

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